

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1831
Ways and Means

(Delegates Morhaim and Szeliga)

Baltimore County Public Schools - Student Misconduct Offenses Relating to
Weapons - Report

This bill requires the Baltimore County Public Schools Superintendent to submit a report on student misconduct offenses relating to weapons to members of the Baltimore County Delegation to the General Assembly by December 1, 2018, and each year thereafter. The report must include the number of misconduct offenses relating to weapons committed by a student at each public school in Baltimore County during the previous school year, including (1) the number of offenses for possession of a firearm and (2) the number of offenses for possession of specified dangerous weapons. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: Baltimore County Public Schools can handle the reporting requirement with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. A person who is convicted of carrying or possessing a handgun in violation of this prohibition must be

sentenced under the misdemeanor penalty provisions applicable to illegally wearing, carrying, or transporting a handgun.

This prohibition does not apply to:

- a law enforcement officer in the regular course of the officer's duty;
- an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that (1) the officer or retired officer is displaying the officer's or retired officer's badge or credential; (2) the weapon carried or possessed by the officer or the retired officer is concealed; and (3) the officer or retired officer is authorized to carry a concealed handgun in the State;
- a person hired by a county board of education specifically for the purpose of guarding public school property;
- a person engaged in an organized shooting activity for educational purposes; or
- a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

Background: According to the Baltimore County Public Schools System, there were 27 incidents that involved a firearm, look-alike firearm, or other type of gun in the 2016-2017 school year. As of mid-March 2018, there were fewer than 14 of those types of incidents for the 2017-2018 school year. The school system notes that it is prohibited from releasing personally identifiable information under the federal Family Educational Rights and Privacy Act. As a result, the Maryland State Department of Education only reports data when there are 10 or more students in any given category.

The school system further notes that no county schools had 10 or more incidents in either the 2016-2017 or 2017-2018 school years. Thus, providing more detailed information (*i.e.*, school-level data) would violate school board policy, State practice, and federal law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County; Department of Legislative Services

Fiscal Note History: First Reader - March 30, 2018
mm/hlb

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